

March 3, 2022

Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821

Re: Request for an Advisory Opinion

Dear Louisiana Ethics Board:

I serve as Director of Legal Services at The Pro Bono Project in New Orleans. Our office is located at 935 Gravier St., Suite 1340, New Orleans, LA, 70112. Our office phone number is 504-581-4043. The Pro Bono Project exists to ensure that underserved citizens of six local Louisiana parishes can find lawyers willing to donate time and civil legal experience to help them resolve civil legal problems. While we employ a small staff of attorneys, we provide most of our services via our network of volunteers.

One of the most common types of cases we accept is uncontested Article 103 divorce. In our organization, divorce cases are usually represented by a volunteer attorney under the terms of a limited appearance agreement, pursuant to Louisiana District Court Rule 9.12 and in accordance with Rule 1.2(c) of the Rules of Professional Conduct, which states, "A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent." We maintain a list of different volunteers who work at participating firms or private practices to assist with these cases.

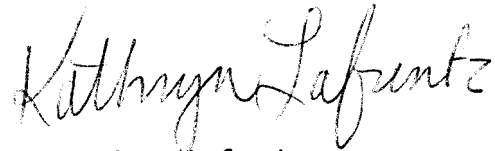
We typically serve out-of-state defendants via long-arm service, by mailing the petition to them by certified mail; however, we have encountered cases where the defendant cannot be located, and the plaintiff requests a curator to represent the absent defendant. In theory, we could petition the court to appoint a different volunteer or an in-house staff attorney as the curator for the absent defendant.

In the past, we have continued to represent plaintiffs whose defendants are absent but have referred them to other organizations that can assist in appointing a curator; we have not filed a petition to appoint a curator or asked a volunteer to accept a curator appointment out of concern that it

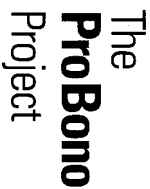
would create a conflict. What are the ethical implications of our volunteer-based organization representing a plaintiff in a divorce case, requesting a curator for an absent defendant, and then allowing petitioning for a different volunteer attorney to accept the assignment of curator?

We respectfully submit this request for an Advisory Opinion to be added to the docket for the board meeting to be held April 7 and 8. Should you require any clarification or additional information in considering this request, please do not hesitate to contact me by phone at (504) 581-4043, ext. 211, or by email at klafrentz@probono-no.org.

Thank you,



Kathryn Lafrentz
Director of Legal Services



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